

PNS.7321

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

KYLA SHEPPARD

v.

**P&S TRANSPORTATION, LLC and
DWIGHT DOUGLAS**

§
§
§
§
§
§

**CIVIL ACTION NO. _____
JURY**

INDEX OF PLEADINGS FILED IN THE STATE COURT ACTION

TO THE UNITED STATES DISTRICT CLERK:

Pursuant to 28 U.S.C. § 1447(b), attached hereto are the following complete true and correct copies of all documents filed in the state court action:

1. Case Summary Sheet
2. Court Docket (07/23/15)
3. Plaintiff's Original Petition (07/23/15)
4. Civil Case Information Sheet (07/23/15)
5. Letter from Attorney Requesting Citations for Service (7-23-15)
6. Citation for Service on P&S Transportation, LLC (07/23/15)
7. Citation for Service on Dwight Douglas (07/23/15)
8. Affidavit of Service on P&S Transportation, LLC (08/13/15)
9. Plaintiff's Motion for Substitute Service (11/24/15)
10. Executed Order Granting Motion for Substitute Service of Process (12/14/16)
11. Defendant P&S Transportation, LLC's Original Answer (03/15/16)
12. Affidavit of Service on Dwight Douglas (03/16/16)
13. Attorney Vacation Letter for Michael P. Sharp (03/17/16)
14. Rule 11 Agreement (03/21/16)
15. Dwight Douglas' Motion to Quash Plaintiff's Service of Citation (04/06/16)
16. Letter from Attorney on Notice of Hearing on Dwight Douglas' Motion to Quash Plaintiff's Service of Citation (04/06/16)
17. Rule 11 Agreement (04/06/16)
18. Rule 11 Agreement (04/18/16)
19. Letter from Attorney to court requesting copy of court file (04/19/16)
20. Defendant Dwight Douglas' Original Answer (05/06/16)
21. Attorney Vacation Letter for Jason A. Burris (06/06/16)

22. Rule 203 Certificate of Custodian of Records for Dream Pharmacy Memorial (Pharmacy) (08/01/16)
23. Rule 203 Certificate of Custodian of Records for CVS Pharmacy (08/08/16)
24. Rule 203 Certificate of Custodian of Records for UAMS Medical Center Community Women's Clinic (Films) (08/22/16)
25. Affidavit of Process Server for service on Dwight Douglas (08/25/16)
26. Rule 203 Certificate of Custodian of Records for Walgreen's, Inc. (Pharmacy) (08/26/16)
27. Rule 203 Certificate of Custodian of Records for Baptist Health Medical Center (Films) (09/02/16)

Respectfully Submitted,

/s/ Michael P. Sharp

MICHAEL P. SHARP

State Bar No. 00788857

msharp@feesmith.com

JASON A. BURRIS

State Bar No. 24049591

jburris@feesmith.com

Fee, Smith, Sharp & Vitullo, L.L.P.

Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

(972) 934-9100

(972) 934-9200 [FAX]

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 19, 2016, the foregoing was filed with the Clerk of the Court for the U.S. District Court, Eastern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorneys of record who have consented in writing to accept this Notice as service of documents by electronic means.

Kurt B. Arnold
Cesar “Ces” Tavares
Arnold & Itkin LLP
6009 Memorial Drive
Houston, TX 77007

/s/ Michael P. Sharp

MICHAEL P. SHARP

202ND DISTRICT COURT
CASE SUMMARY
CASE No. 15C0976-202

KYLA SHEPPARD
vs.
P&S TRANSPORTATION, LLC ET AL

§
§
§
§

Location: **202nd District Court**
Judicial Officer: **Pesek, Leon, Jr.**
Filed on: **07/23/2015**

CASE INFORMATION

Case Type: **Injury or Damage - Motor Vehicle**

Case Flags: **Jury Demand**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	15C0976-202
Court	202nd District Court
Date Assigned	07/23/2015
Judicial Officer	Pesek, Leon, Jr.




PARTY INFORMATION

Plaintiff	SHEPPARD, KYLA	<i>Lead Attorneys</i> ARNOLD, KURT B <i>Retained</i> 713-222-3800(W)
Defendant	DOUGLAS, DWIGHT	BURRIS, JASON A <i>Retained</i> 972-934-9100(W)
	P&S TRANSPORTATION, LLC	SHARP, MICHAEL P <i>Retained</i> 972-934-9100(W)



















DATE

EVENTS & ORDERS OF THE COURT

INDEX

07/23/2015	 Court Docket
07/23/2015	 Original Petition w/Jury Demand (OCA)
07/23/2015	 Civil Case Information Sheet
07/23/2015	 Issue <i>EFILED TO ATTORNEY</i>
07/23/2015	Citation P&S TRANSPORTATION, LLC Served: 07/28/2015 <i>P & S TRANSPORTATION</i>
07/23/2015	Citation DOUGLAS, DWIGHT Served: 12/22/2015 <i>DWIGHT DOUGLAS</i>
08/13/2015	 Affidavit <i>Affidavit of Service - P&S Transportation LLC-SERVED</i>

202ND DISTRICT COURT
CASE SUMMARY
CASE NO. 15C0976-202

11/24/2015	 Motion for Substitute Service
12/14/2015	 Order for Substitute Service
03/15/2016	 Original Answer Party: Defendant P&S TRANSPORTATION, LLC
03/16/2016	 Affidavit <i>Affidavit of Service - Dwight Douglas</i>
03/17/2016	 Letter for Attorney Vacation <i>Attorney Vacation Letter for Michael Sharp</i>
03/21/2016	 Rule 11 Agreement
04/06/2016	 Motion to Quash <i>Motion to Quash Service of Citation</i>
04/06/2016	 Letter Attorney/Counselor <i>on Notice of Hearing on Douglas' Motion to Quash Service of Citation</i>
04/06/2016	 Rule 11 Agreement
04/18/2016	 Rule 11 Agreement
04/19/2016	 Request Copies
05/06/2016	 Original Answer Party: Defendant DOUGLAS, DWIGHT
05/09/2016	Original Answer Party: Defendant DOUGLAS, DWIGHT
06/06/2016	 Letter Attorney/Counselor <i>Attorney Vacation Letter for Jason A. Burris</i>
08/01/2016	 Certificate of Deposition <i>Rose Shontae Perry, Custodian for Dream Pharmacy Memorial (Pharmacy) on Kyle Syanaye Sheppard</i>
08/08/2016	 Certificate
08/22/2016	 Certificate <i>UAMS MEDKICAL CENTER COMMUNITY WOMEN'S CLINIC (FILMS)</i>
08/25/2016	 Affidavit of Private Process Server
08/26/2016	 Certificate of Deposition <i>WALGREEN'S, INC. (PHARMACY)</i>

202ND DISTRICT COURT

CASE SUMMARY**CASE No. 15C0976-202**

09/02/2016



Certificate

BAPTIST HEALTH MEDICAL CENTER (FILMS)

DATE

FINANCIAL INFORMATION

Defendant DOUGLAS, DWIGHT

Total Charges 6.00

Total Payments and Credits 6.00

Balance Due as of 9/14/2016 0.00**Defendant P&S TRANSPORTATION, LLC**

Total Charges 62.00

Total Payments and Credits 62.00

Balance Due as of 9/14/2016 0.00**Plaintiff SHEPPARD, KYLA**

Total Charges 310.00

Total Payments and Credits 310.00

Balance Due as of 9/14/2016 0.00

JUDGE LEON PESEK, JR.
202ND DISTRICT COURT
COURT DOCKET

15C0976-202

07/23/15

KYLA SHEPPARD

VS.

P&S TRANSPORTATION, LLC ET AL
Injury or Damage - Motor Vehicle

PLAINTIFF ATTY:

KURT B ARNOLD

DEFENDANT ATTY:

DATE OF ORDERS

ORDERS OF COURT

CAUSE NO. 15C0976-202

Kyla Sheppard,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	BOWIE COUNTY, TEXAS
	§	
P&S Transportation, LLC and	§	
Dwight Douglas,	§	
	§	
Defendants.	§	<u> </u> JUDICIAL DISTRICT

Plaintiff's Original Petition

Kyla Sheppard (hereinafter "Plaintiff") complain of P&S Transportation, LLC and Dwight Douglas (collectively "Defendants") and would respectfully show the court the following:

I.

Discovery Level

1. Discovery in this matter may be conducted under Level 2 of the Texas Rules of Civil Procedure.

II.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because a substantial amount of the events made the basis of this lawsuit occurred in this county.

III.

Parties

3. Plaintiff is a resident of Arkansas.

4. Defendant P&S Transportation, LLC is a foreign entity that maintains multiple offices in Texas. The Court may exercise personal jurisdiction over Defendant P&S Transportation, LLC because it does a substantial amount of business in Texas. Defendant P&S Transportation, LLC's continuous and systematic contacts with Texas justify the exercise of general jurisdiction. Defendant P&S Transportation, LLC is also subject to the specific jurisdiction of this court because its contacts with Texas are directly related to the vehicle accident from which Plaintiff's claims arise. This Defendant may be served with process by serving its registered agent, Corporation Service Company d/b/a CSC – Lawyer Inco at 211 East 7th Street, Suite 620 Austin, Texas 78701.

5. Defendant Dwight Douglas is a resident of Mississippi and may be served personally at 203 Douglas Road, Natchez, Mississippi 39120 or wherever he may be found. The Court may exercise jurisdiction over Defendant Dwight Douglas he was personally involved in the vehicular accident that is the basis of this lawsuit.

IV.

Facts

6. On or about December 15, 2014 Plaintiff suffered severe and debilitating injuries as a result of Defendants' negligence. Specifically, Plaintiff was driving westbound on Interstate 30 when the Defendants failed to maintain their own lane striking the Plaintiff's vehicle. As a result of the incident, Plaintiff's vehicle was forced off the roadway causing her to suffer severe injuries to her neck, back, legs, arms, head, eyes, and other parts of her body.

At all relevant times, Mr. Douglas was acting in the course and scope of her employment with Defendant P&S Transportation, LLC, and acting in furtherance of a mission for Defendant P&S Transportation, LLC benefit and subject to its control.

V.

Causes of Action

A. Negligence Against All Defendants

7. Plaintiff repeats and realleges each allegation contained above.

8. Plaintiff sustained injuries because of Defendants' negligence and gross negligence when Defendants:

- Failed to maintain a safe distance;
- Failed to operate their tractor-truck safely;
- Failed to properly train their driver;
- Failed to keep a proper lookout;
- Failed to maintain safe speed;
- Failed to change lanes safely;
- Failed to maintain their own lane; and
- Other acts so deemed negligent and grossly negligent.

9. Defendants should also be held liable as a matter of law for their respective violations of the Texas Transportation Code and the Federal Motor Carrier Statutes.

10. On balance, Defendants owed a duty consistent with the foregoing, and breached each of foregoing duties. These breaches were both the cause in fact and proximate cause of Plaintiff's injuries. As a result of Defendants' negligence, the Plaintiff suffered

severe physical injury. Plaintiff is entitled to recover for his injury. Defendants' actions were done with a reckless disregard to a substantial risk of severe bodily injury. As such, Plaintiff is entitled to exemplary damages.

B. Negligence Per Se' Against Defendants

11. Defendant's conduct described herein constitutes an unexcused breach of duty imposed by Texas Transportation Code Section 644 *et seq.* which section acts as a tie in to Code Sections 545.053(b), 545.060, 545.351 and 545.401.

12. Plaintiff is a member of the class that Texas Transportation Code Sections 545.053(b), 545.060, 545.351 and 545.401 were designed to protect.

13. Defendants unexcused breach of the duties imposed by Texas Transportation Code Sections 545.053(b), 545.060, 545.351 and 545.401 proximately caused Plaintiff's injuries described herein.

C. Negligent Hiring (against P&S Transportation, LLC)

14. Plaintiff repeats and realleges each allegation contained above.

15. Plaintiff sustained injuries as a result of Defendant's negligent hiring because of Defendant's:

- Failure to conduct a reasonable and adequate interview of Mr. Douglas as a potential employee.
- Failure to properly follow up on information not provided by Mr. Douglas in the interview process.
- Failure to conduct a proper employment and background check.
- Failure to sufficiently investigate Mr. Douglas' training, prior employment, criminal record, and past.
- Failure to perform the required screening, testing, and physical of Mr.

Douglas.

- Failure to adopt proper policies and procedures regarding the interview of a potential employee who will be driving a tractor/trailer on the highways of the State of Texas.
- Such other and further acts of negligence as may be shown in the trial of this cause as discovery progresses.

D. Negligent Training (against P&S Transportation, LLC).

16. Plaintiff repeats and realleges each allegation contained above.

17. Plaintiff sustained injuries as a result of Defendant's negligent training because of Defendant's:

- Failure to explain and demonstrate its safety policies and procedures to Mr. Douglas.
- Failure to provide the necessary training to Mr. Douglas regarding driving this vehicle, vehicle safety, safety classes, how to properly and safely drive the vehicle, the proper method to maintain a vehicle, the proper way and the necessity of keeping the vehicle clean and in proper working order, and in all matters regarding the proper and safe operation of a vehicle and the maintenance of vehicle in various situations.
- Failure to properly train its drivers regarding all aspects of driver safety.
- Failure to train its employees, including Mr. Douglas, regarding safe and proper operation of a vehicle such as a person and/or company of ordinary care would have done in the same or similar circumstances.
- Failure to provide and/or require regular follow-up driver education and training.
- Such other and further acts of negligence as may be shown in the trial of this cause as discovery progresses.

E. Negligent Supervision, Retention, and Monitoring (against P&S Transportation, LLC)

18. Plaintiff repeats and realleges each allegation contained above.

19. Plaintiff sustained injuries as a result of Defendant's negligent supervision, retention and monitoring because of Defendant's:

- Failure to monitor Mr. Douglas to make sure that he was complying with policies and procedures.
- Failure to interview and test Mr. Douglas to make sure he had read, and was familiar with, understood, and followed the company policies and procedures.
- Failure to implement proper policies and procedures for its employees, including Mr. Douglas, regarding driver safety and vehicle safety.
- Failure to document and make a determination regarding fault in the accident made the basis of this suit.
- Failure to supervise Mr. Douglas to insure that he was keeping the vehicle properly maintained.
- Such other and further acts of negligence as may be shown in the trial of this cause as discovery progresses.

F. Negligent Entrustment (against P&S Transportation, LLC)

20. Plaintiff repeats and realleges each allegation contained above.

21. Plaintiff sustained injuries as a result of Defendant's negligent entrustment because Defendant:

- Provided a vehicle to Mr. Douglas who was not properly trained and did not have the proper education, background, training, or experience to safely operate the vehicle, and who was an incompetent and/or reckless driver.

VI.

Prayer

As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Kyla Sheppard, was caused to suffer severe and debilitating personal injuries, bodily injury, physical impairment, loss of household services, pain, suffering, and mental anguish, and to incur the following damages. Plaintiff prays for relief and judgment, as follows:

- Compensatory damages against Defendants;
- Actual damages;
- Consequential damages;
- Past and future Pain and suffering;
- Past and future loss of earning capacity;
- Past and future medical damages and costs;
- Exemplary damages
- Past and future mental anguish;
- Past and future impairment;
- Past and future disfigurement;
- Interest on damages (pre- and post-judgment) in accordance with law;
- Plaintiffs' reasonable attorneys' fees;
- Costs of court;
- Expert witness fees;
- Costs of copies of depositions; and
- Such other and further relief as the Court may deem just and proper.

VIII.

Jury Trial Demanded

Plaintiff hereby demands a trial by jury.

Respectfully submitted,

ARNOLD & ITKIN LLP

By: */s/ Kurt Arnold*

Kurt B. Arnold
SBN: 24036150
KArnold@arnolditkin.com
Cesar "Ces" Tavares
SBN: 24093726
Ctavares@arnolditkin.com
6009 Memorial Drive
Houston, Texas 77007
Tel: 713.222.3800
Fax: 713.222.3850
e-service@arnolditkin.com

ATTORNEYS FOR PLAINTIFF

CIVIL CASE INFORMATION SHEET

Filed 7/23/2015 3:41:01 PM

Billy Fox

District Clerk

Bowie County, Texas

Karen Raney, Deputy

CAUSE NUMBER (FOR CLERK USE ONLY): 15C0976-202

COURT (FOR CLERK USE ONLY):

STYLED Kyla Sheppard vs. P&S Transportation, LLC and Dwight Douglas

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:	Person or entity completing sheet is:
Name: Kurt B. Arnold	Email: e-service@arnolditkin.com	Plaintiff(s)/Petitioner(s): Kyla Sheppard	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:
Address: 6009 Memorial Dr.	Telephone: 713.222.3800	Defendant(s)/Respondent(s): P&S Transportation and Dwight Douglas	Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:
City/State/Zip: Houston, Tx. 77007	Fax: 713.222.3850	[Attach additional page as necessary to list all parties]	
Signature: /s/ Kurt B. Arnold	State Bar No: 24036150		

2. Indicate case type, or identify the most important issue in the case (select only 1):				
Civil			Family Law	
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage:	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health <div style="display: flex; justify-content: space-between;"> <div> Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings </div> <div> <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: </div> </div>			

3. Indicate procedure or remedy, if applicable (may select more than 1):		
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover

4. Indicate damages sought (do not select if it is a family law case):
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000



Arnold & Itkin LLP
TRIAL LAWYERS

July 23, 2015

Ms. Billy Fox
Bowie County District Clerk
710 James Bowie Drive
New Boston, Texas 75570

15C0976-202

Re: Cause No. _____; Kyla Sheppard vs. P&S Transportation and Dwight Douglas; In the _____ Judicial District Court of Bowie County, Texas

Dear Ms. Fox:

You will find attached Plaintiff's Original Petition regarding the above-referenced matter. Please prepare a citation for each defendant as follows:

- P&S Transportation, LLC by and through its registered agent Corporation Service Company d/b/a CSC – Lawyer Inco at 211 East 7th Street, Suite 620, Austin, Texas 78701; and
- Dwight Douglas, 203 Douglas Road, Natchez, Mississippi 39120.

Please return the citations to our office for service through a private process service company. A self-addressed Fedex envelope will be forwarded to you for your convenience.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

/s/ Lillie Garcia

Lillie Garcia, Legal Assistant
For Ces Tavares

/leg

CITATION – NON RESIDENT
THE STATE OF TEXAS
CAUSE NO:15C0976-202
STYLE: KYLA SHEPPARD
VS.
P&S TRANSPORTATION, LLC ET AL

TO: P&S TRANSPORTATION, LLC
CORPORATION SERVICE COMPANY
CSC - LAWYER INCO
211 EAST 7TH ST STE 620
AUSTIN TX 78701

DEFENDANT in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Attached is a copy of the ORIGINAL PETITION W/JURY DEMAND in the above styled and numbered cause, which was filed on JULY 23, 2015 in the 202ND DISTRICT COURT of Bowie County, New Boston, Texas. This instrument describes the claim against you.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, July 23, 2015.

ADDRESS OF PLAINTIFF OR
ATTORNEY FOR PLAINTIFF

KURT B ARNOLD
6009 MEMORIAL DRIVE
HOUSTON, TX 77007



BILLY FOX
BOWIE COUNTY DISTRICT CLERK
710 JAMES BOWIE DRIVE
NEW BOSTON, TEXAS 75570

BY: /s/ Karen Raney
DEPUTY

OFFICER'S RETURN (OUT OF STATE)

That the within citation came to hand on the _____ day _____, _____ at _____ o'clock _____.M. and executed in _____ County State of _____, by delivering to the within named defendant, _____ at _____ o'clock _____.M. on _____, _____; each in person, a true copy of the petition attached thereto, having first endorsed on such copy of said citation the date of delivery

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____ on the _____ day of _____, _____ at _____ o'clock _____.M. this copy of this instrument.

FEE \$ _____

STATE OF _____
DEPUTY

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE OR CLERK OF THE COURT

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, State, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____, 20 ____.

Declarant/Authorized Process Server

(ID # & Expiration of Certification)

CITATION – NON RESIDENT
THE STATE OF TEXAS
CAUSE NO:15C0976-202
STYLE: KYLA SHEPPARD
VS.
P&S TRANSPORTATION, LLC ET AL

TO: DWIGHT DOUGLAS
293 DOUGLAS ROAD
NATCHEZ MS 39120

DEFENDANT in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Attached is a copy of the ORIGINAL PETITION W/JURY DEMAND in the above styled and numbered cause, which was filed on JULY 23, 2015 in the 202ND DISTRICT COURT of Bowie County, New Boston, Texas. This instrument describes the claim against you.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, July 23, 2015.

ADDRESS OF PLAINTIFF OR
ATTORNEY FOR PLAINTIFF

KURT B ARNOLD
6009 MEMORIAL DRIVE
HOUSTON TX 77007



BILLY FOX
BOWIE COUNTY DISTRICT CLERK
710 JAMES BOWIE DRIVE
NEW BOSTON, TEXAS 75570

BY: /s/ Karen Raney
DEPUTY

OFFICER'S RETURN (OUT OF STATE)

That the within citation came to hand on the _____ day _____, _____ at _____ o'clock ____M. and executed in _____ County State of _____, by delivering to the within named defendant, _____ at _____ o'clock ____M. on _____, _____; each in person, a true copy of the petition attached thereto, having first endorsed on such copy of said citation the date of delivery

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____ on the _____ day of _____, _____ at _____ o'clock ____M. this copy of this instrument.

FEE \$ _____ STATE OF _____ DEPUTY

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE OR CLERK OF THE COURT

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, State, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____, 20 ____.

Declarant/Authorized Process Server

(ID # & Expiration of Certification)

AFFIDAVIT OF SERVICE

State of Texas

County of Bowie

202nd District Court

Case Number: 15C0976-202

Plaintiff:

KYLA SHEPPARD

vs.

Defendant:

P&S TRANSPORTATION, LLC, and DWIGHT DOUGLAS

Received by Travis Wyatt on the 28th day of July, 2015 at 1:13 pm to be served on **P&S TRANSPORTATION, LLC**, by delivering to its **Registered Agent, Corporation Service Company, d/b/a CSC-LAWYER INCO., 211 East 7th St., Ste. 620, Austin, Travis County, TX 78701.**

I, Travis Wyatt, being duly sworn, depose and say that on the **28th day of July, 2015 at 2:40 pm, I:**

delivered a true and correct copy of this **CITATION, with attached PLAINTIFF'S ORIGINAL PETITION, PLAINTIFF'S FIRST SET OF INTERROGATORIES, REQUEST FOR PRODUCTION, REQUEST FOR ADMISSIONS, AND REQUEST FOR DISCLOSURES TO DEFENDANTS, EDUCATIONAL RECORDS AUTHORIZATION (blank), AUTHORIZATION FOR RELEASE OF PROTECTED HEALTH INFORMATION (PHI) (blank) and AUTHORIZATION FOR RELEASE OF CELL PHONE AND DATA RECORDS (blank)**, after endorsing the date of delivery thereon, to **P&S TRANSPORTATION, LLC**, by delivering to its Registered Agent, **Corporation Service Company**. Placed before **Sue Vertrees**, Authorized Agent of Corporation Service Company, in person, at: **211 East 7th St., Ste. 620, Austin, Travis County, TX 78701-3218**.

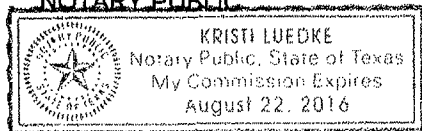
I am over the age of 18 years, and I have never been convicted of a felony or a crime of moral turpitude. I am not party to or interested in the outcome of this case, and I am authorized by the Supreme Court of Texas to deliver citations and other notices pursuant to TRCP 103, 106, 107, and 536a. I am of sound mind and competent to make this oath. I swear that the facts contained in this Affidavit are true and correct and are within my personal knowledge.

STATE OF TEXAS
COUNTY OF TRAVIS

Subscribed and Sworn to before me on the 29th day
of July, 2015 by the affiant who is personally known to
me.

Kristi Luedke

NOTARY PUBLIC



Travis Wyatt
Travis Wyatt
SCH4959, Exp. 3/31/18

Wyatt Process Service, LLC
109 S. Harris Street
Suite 125A
Round Rock, TX 78664
(512) 501-4391

Our Job Serial Number: WYT-2015000582
Ref: 138581.001

CAUSE NO. 15C0976-202

Kyla Sheppard,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	BOWIE COUNTY, T E X A S
	§	
P&S Transportation, LLC and	§	
Dwight Douglas,	§	
	§	
Defendants.	§	202 ND JUDICIAL DISTRICT

PLAINTIFF'S MOTION FOR SUBSTITUTE SERVICE

Plaintiff respectfully requests that, under Texas Rule of Civil Procedure 106(b)(1) and 106(b)(2), substituted service be allowed for the service of process upon Defendant Dwight Douglas and would show the Court that:

1. Plaintiff has diligently attempted service of process upon Defendant Dwight Douglas, 144 North Shields Lane, Apt E2, Natchez, MS 39120. Plaintiff's retained process server attempted service upon Defendant in person once on August 3, 2015, August 4th, August 5, and once on August 8, 2015. To date, all attempts to serve Defendant have been unsuccessful. *See*, Exhibit "A", the Affidavit of Karen O'Quinn.

2. Defendant may be served at 144 North Shields Lane, Apt E2, Natchez, MS 39120.

In order to effectively serve Defendant, Plaintiff requests permission to use the following:

- a. Pursuant to TEX. R. CIV. P. 106(b)(1), delivery of process to anyone over 16 years of age at 144 North Shields Lane, Apt E2, Natchez, MS 39120.¹

¹ *See Olympia Marble & Granite v. Mayes*, 17 S.W.3d 437, 444-45 (Tex. App.—Houston [1st Dist.] 2000, no pet.).

- b. Using first class mail service.²
- c. Posting service on the entryway at 144 North Shields Lane, Apt E2, Natchez, MS 39120.

3. Any of the above methods will be reasonably effective to give Defendant Dwight Douglas notice of the suit. Thus, Plaintiff respectfully prays that the Court grant his Motion for Substituted Service and allow substituted service of process in accordance with TEX. R. OF CIV. P. 106(b)(1) or 106(b)(2), as appropriate.

Respectfully submitted,

ARNOLD & ITKIN LLP

/s/ Cesar Tavares

Kurt B. Arnold
SBN: 24036150
karnold@arnolditkin.com
Cesar "Ces" Tavares
SBN: 24093726
ctavares@arnolditkin.com
6009 Memorial Drive
Houston, Texas 77007
Telephone: (713) 222-3800
Facsimile: (713) 222-3850
ATTORNEYS FOR PLAINTIFF

***For electronic service use:
e-service@arnolditkin.com**

ATTORNEY FOR PLAINTIFF

² See *State Farm Fire & Cas. Co. v. Costley*, 868 S.W.2d 298, 299 (Tex. 1993).

EXHIBIT “A”

AFFIDAVIT OF SERVICE

VENTURA COUNTY SUPERIOR COURT

Plaintiff

KYLA SHEPPARD,

vs.

Defendants

P&S TRANSPORTATION, LLC and DWIGHT DOUGLAS,

Case No.: 15C0976-202

Compliance Date: 8/21/2015

I, Karen Quinn, being duly sworn, depose and say, I have been duly authorized to make service of the document(s) listed herein in the above styled case. I am over the age of 18, and am not a party to or otherwise interested in this matter.

Date/Time Received: 7/29/2015 9:00 AM

Document(s): Citation; Petition; Plaintiff's First Set of Interrogatories, Request for Production, Request for Admissions, and Request for Disclosures to Defendants; Blank Authorizations

Serve To: DWIGHT DOUGLAS

Address: 19 Reba Christian Rd, Natchez, MS 39120

Date Served: _____ Time Served: _____ AM/PM

Method of Service: ☐ Individual ☐ Substitute ☐ Corporate ☐ Govt. Agency ☐ Posted ☐ Other ☒ Non-Served

Person Served: _____ Capacity: _____

Address: _____

Military Status: ☐ N/A ☐ Not in Military ☐ Active Duty Military

After exercising reasonable diligence, I was unable to deliver copies to said person within Adams county, MS. I served the documents listed above on the ____ day of _____, at the usual place of abode of said person by leaving a true copy of the documents listed above with _____, who is the _____ (insert family relationship), a member of the family who is above the age of sixteen years old who was willing to receive service. And thereafter on the ____ day of _____, copies of the documents served were mailed (by first class postage prepaid) to the defendant at his/her usual place of abode.

8-10-15 @ 01:55 PM - No Answer, Brown Cadillac + White Ford Expedition registered to Dwight Douglas on premises. 8-12-15 @ 11:00 AM No Answer vehicle still there, Note left.

8-13-15 @ 08:30 AM - No Answer, same vehicles, note remains. 8-14-15 @ 11:45 AM No Answer same vehicles, note remains. 8-17-15 @ 1:35 - No Answer spoke to neighbor Mr. Alfreda stated he travels cross country and is only home 1 or 2 days a month.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

Karen Quinn

Signature date in front of notary

8-24-15

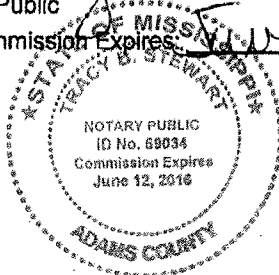
Quantum Process
418 Pittman Road
Ellisville, MS 39437
(601) 319-2675

State of MississippiCounty of AdamsSubscribed and sworn to before me, a notary public, on 8-24-15

Notary Public

My Commission Expires

June 12, 2016



ID: 49118

Client Reference: Kyla Sheppard - 138581.002

CAUSE NO. 15C0976-202

Kyla Sheppard,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
v.	§	BOWIE COUNTY, T E X A S
	§	
P&S Transportation, LLC and	§	
Dwight Douglas,	§	
	§	
Defendants.	§	202 ND JUDICIAL DISTRICT

ORDER GRANTING MOTION FOR SUBSTITUTE SERVICE OF PROCESS

ON THIS DAY came on for consideration the Plaintiff's Motion for Substitute Service under Rule 106(b), Texas Rules of Civil Procedure. It appears to the Court that Plaintiff has attempted but failed to personally serve Defendant Dwight Douglas, at the last known usual place of abode or business. It further appears to the Court that the manner of service ordered herein will be reasonably effective to give said defendant notice of the lawsuit. It is therefore,

ORDERED, ADJUDGED, and DECREED that the Motion for Substitute Service is **GRANTED**. It is further,

ORDERED, ADJUDGED, and DECREED that service of process may be made upon the defendant, either: (1) by leaving a true copy of the citation, with a copy of the Petition and this Order authorizing substituted service attached, with anyone over sixteen (16) years of age at 144 North Shields Lane , Apt. E2, Natchez, MC 39120; or (2) by firmly affixing a true copy of the citation, with a copy of the Petition and this Order authorizing substitute service attached, to the front door of Defendant's last known usual place of abode or business at the above address.

It is further **ORDERED, ADJUDGED, and DECREED** that the service made by the above method shall not be deemed perfected unless it also complies with the following provisions:

(a) a copy of the citation, Petition, and this Order shall be mailed by BOTH certified mail, return receipt requested, AND by regular mail to the defendant at the same address at which service is authorized above;

(b) the return of service shall not be made until 30 days after mailing or until the process server receives back the green card from the post office, whichever date is earlier;

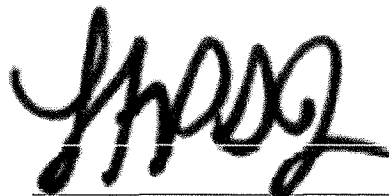
(c) the return of service shall include a statement setting out the date of mailing and the result of the mailing by certified mail, and the date of mailing and result of same by regular mail (*i.e.*, whether the envelope was returned by the post office, the green card came back signed, etc.); and

(d) a copy of any envelope or green card returned by the post office shall be attached to the return of service.

It is further **ORDERED, ADJUDGED, and DECREED** that the return of service of the person executing service pursuant to this Order shall otherwise be made in accordance with Rule 107, Texas Rules of Civil Procedure. It is further

ORDERED, ADJUDGED, and DECREED that service of process will be deemed complete upon compliance with this Order, regardless of whether defendant signs the certified mail receipt.

Signed 12/14/2015.

A handwritten signature in black ink, appearing to be "J. H. ...", written over a horizontal line.

Honorable Judge



Billy Fox
District Clerk
Bowie County, Texas
Kelley White, Deputy

November 24, 2015

Judge Leon F Pesek, Jr.
710 James Bowie Drive
New Boston, Texas 75570

Re: Cause No. 15C0976-202; Kyla Sheppard vs. P&S Transportation and Dwight Douglas; In the 202nd Judicial District Court of Bowie County, Texas

Honorable Judge Pesek Jr.:

Enclosed for filing with the court is the Proposed Order for Plaintiff's Motion for Substitute Service which was filed on November 24, 2015.

Once the order is signed, please provide us a copy to e-service@arnolditkin.com.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

/s/ Jennifer Arispe

Jennifer Arispe, Legal Assistant
For Ces Tavares

/jea

PNS.7321

CAUSE NO. 15C0976-202

KYLA SHEPPARD	§	IN THE DISTRICT COURT
	§	
v.	§	202nd JUDICIAL DISTRICT
	§	
P&S TRANSPORTATION, LLC and	§	
DWIGHT DOUGLAS	§	BOWIE COUNTY, TEXAS

DEFENDANT P&S TRANSPORTATION, LLC'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **P&S TRANSPORTATION, LLC**, Defendant named in the above entitled and numbered cause, and files this its Original Answer, and for same would respectfully show unto the Court as follows:

I.

GENERAL DENIAL

Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

II.

SECTION 18.091

Defendant invokes Section 18.091 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery for loss of earnings, loss of earning capacity, loss of contributions of a pecuniary value or loss of inheritance, the evidence to prove such loss must be presented in the form of net loss after reduction of income tax payments or unpaid tax liability. Defendant further requests the court to instruct the jury as to whether any recovery for compensatory damages sought by Plaintiff is subject to federal or state income taxes.

III.

SECTION 41.0105

Defendant invokes Section 41.0105 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery of medical or healthcare expenses incurred, the evidence to prove such loss must be limited to the amount actually paid or incurred by or on behalf of Plaintiff. Defendant further requests the court to instruct the jury as to whether any recovery for medical or healthcare expenses sought by Plaintiff is limited to the amount actually paid or incurred by or on behalf of Plaintiff.

IV.

PAID V. INCURRED

Defendant also asserts that it is entitled to a reduction in any award for medical expenses to the extent that same is not actually paid or incurred. Defendant is further entitled to a reduction as to any damage award for the full sum of any settlement as an offset to Plaintiff's recovery.

V.

JURY DEMAND

In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant **P&S TRANSPORTATION, LLC** prays that the Plaintiff take nothing by this suit, that Defendant goes hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P

/s/ Michael P. Sharp

MICHAEL P. SHARP

State Bar No. 00788857

msharp@feesmith.com

JASON A. BURRIS

State Bar No. 24049591

jburris@feesmith.com

Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

(972) 934-9100

(972) 934-9200 (Fax)

**ATTORNEYS FOR DEFENDANT
P&S TRANSPORTATION, LLC**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, telecopied or hand delivered to all attorneys of record in this cause of action on the 15th day of March, 2016 as follows:

Via Facsimile

Kurt B. Arnold

Cesar "Ces" Tavares

Arnold & Itkin LLP

6009 Memorial Drive

Houston, TX 77007

/s/ Michael P. Sharp

MICHAEL P. SHARP

Filed 3/16/2016 8:55:17 AM

Billy Fox

District Clerk

Bowie County, Texas

Joy Smith, Deputy

AFFIDAVIT OF SERVICE

DISTRICT COURT OF BOWIE COUNTY, TEXAS

Plaintiff

KYLA SHEPPARD

vs.

Defendants

P&S TRANSPORTATION, LLC and DWIGHT DOUGLAS

Case No: 15C0976-202

Compliance Date: 12/24/2015

Received this on 12/17/2015 at

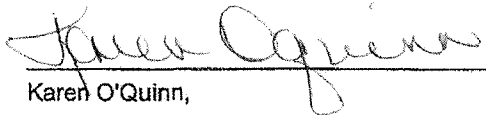
I Karen O'Quinn, being duly sworn, depose and say, I have been duly authorized to make service of the document(s) listed herein in the above styled case. I am over the age of 18, and am not a party to or otherwise interested in this matter.

That on 12/22/2015 at 11:45 AM, I executed service of a Order, Citation, Petition, Plaintiffs First Set of Interrogatories, Request for Production, Request for Admissions, and Request for Disclosures to Defendants, and Blank Authorizations on DWIGHT DOUGLAS at 144 NORTH SHIELDS LN, APT E2, NATCHEZ, MS 39120

By Posted to: DWIGHT DOUGLAS

12/22 @ 11:45 am - firmly affixed to the door
1/12 mailed copies of papers certified mail
2/22 rcvd certified package back un opened.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.


Karen O'Quinn,

Executed on 2/29/16

Quantum Process
418 Pittman Road
Ellisville, MS 39437
(601) 752-3503

State of MS
County of Jones

Subscribed and sworn to before me, a notary public, on 2/29/16


Notary Public

My Commission Expires: Nov. 18, 2019

ID: 52434

Client Reference: 138581.005



U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com .	
NATCHEZ, MS 39120-4100	
Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$2.80
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	N/A
<input type="checkbox"/> Adult Signature Restricted Delivery	N/A
Postage	\$5.75
Total Postage and Fees	\$12.00
Sent To Dwight Douglas Street and Apt. No. or PO Box No. 144 N Shields Ln. Apt E2 City, State, ZIP+4® Natchez, MS 39120	

PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions

7015 1520 0002 6357 6899

Filed 3/16/2016 8:55:17 AM

Billy Fox
 District Clerk
 Bowie County, Texas
 Joy Smith, Deputy

AFFIDAVIT OF SERVICE

DISTRICT COURT OF BOWIE COUNTY, TEXAS

Plaintiff

KYLA SHEPPARD

vs.

Defendants

P&S TRANSPORTATION, LLC and DWIGHT
 DOUGLAS

Case No.: 15C0976-202

Compliance Date: 12/24/2015

I KAREN OQUINN, being duly sworn, depose and say, I have been duly authorized to make service of the document(s) listed herein in the above styled case. I am over the age of 18, and am not a party to or otherwise interested in this matter.

Date/Time Received: 12/17/2015

Document(s): Order, Citation and Petition

Serve To: DWIGHT DOUGLAS

Address: 144 NORTH SHIELDS LN, APT E2, NATCHEZ, MS 39120

Date Served: 12-22-15 Time Served: 11:45 AM/PMMethod of Service: ☐ Individual ☐ Substitute ☐ Corporate ☐ Govt. Agency ☒ Posted ☐ Other ☐ Non-Served)Person Served: Firmly affixed to front door

Capacity: _____

Address: 144 North Shields Lane Apt E2 Natchez MS 39120Military Status: ☒ N/A ☐ Not in Military ☐ Active Duty Military

After exercising reasonable diligence, I was unable to deliver copies to said person within Adams county, MS. I served the documents listed above on the 22 day of Dec, 2015, at the usual place of abode of said person by leaving a true copy of the documents listed above with posted to door, who is the N/A (insert family relationship), a member of the family who is above the age of sixteen years old who was willing to receive service. And thereafter on the 22 day of Dec, 2015, copies of the documents served were mailed (by first class postage prepaid) to the defendant at his/her usual place of abode.

12-22-15 mailed copies to address provide.

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

Karen Oquinn

Signature date in front of notary 12/30/15

Quantum Process
 418 Pittman Road
 Ellisville, MS 39437
 (601) 319-2675

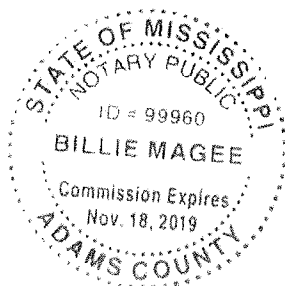
State of MSCounty of AdamsSubscribed and sworn to before me, a notary public, on 12/30/15Billie Magee

Notary Public

My Commission Expires: Nov. 18, 2019

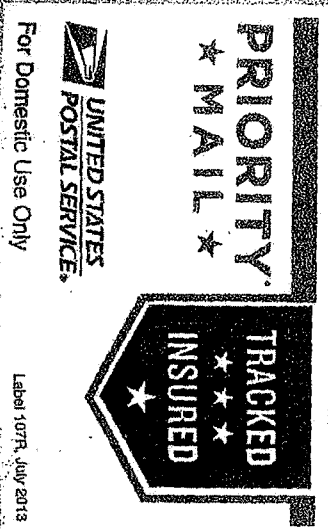
ID: 52434

Client Reference: 138581,005

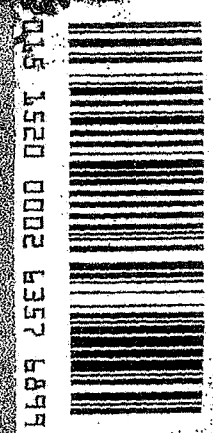


SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY													
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Owight Douglas 144 N. Smith Ln Apt Natchez, MS 39001 39001</p> <p>2. ZIP+4®</p> <p>7015 1520 0002 6357 6899</p>		<p>A. Signature</p> <p>X</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Delivery Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr></table> <p>(over \$500)</p>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®														
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™														
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery														
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise														
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™														
<input type="checkbox"/> Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery														

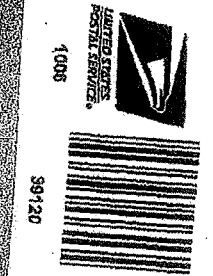
PS Form 3811, April 2015 PSN 7630-02-000-9053 Domestic Return Receipt



391203505-1N
02/15/16
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
RETURN TO SENDER



CERTIFIED MAIL®
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, SOLD AT POST OFFICE





Fee, Smith, Sharp & Vitullo LLP

Texas Trial Attorneys

Three Galleria Tower 13155 Noel Road Suite 1000 Dallas, Texas 75240
P 972-934-9100 F 972-934-9200

877-FEESMITH feesmith.com

1801 S MoPac Expressway Suite 320 Austin, Texas 78746
P 512-479-8400 F 512-479-8402

Michael P. Sharp
972-980-3255 Direct Dial

msharp@feesmith.com

March 17, 2016

Via Electronic Filing

Clerk

202nd District Court

100 N. State Line, Box 10

Texarkana, TX 75501

Re: Cause No. 15C0976-202; *Kyla Sheppard v. P&S Transportation, LLC and Dwight Douglas*; In the 202nd District Court, Bowie County, Texas
Our File No.: PNS.7321

Dear Clerk:

Please be advised that I will be on vacation on the following dates:

July 1, 2016 – July 10, 2016

I would appreciate it if you would note your calendar accordingly and not schedule any hearings, court appearances, items requiring a deadline, etc. during this time period.

Thank you for your consideration.

Very truly yours,

/s/ Michael P. Sharp

Michael P. Sharp

MPS/pac

cc: Kurt B. Arnold
Ces Tavares
Arnold & Itkin LLP
6009 Memorial Drive
Houston, TX 77007



Fee, Smith, Sharp & Vitullo LLP

Texas Trial Attorneys

Three Galleria Tower 13155 Noel Road Suite 1000 Dallas, Texas 75240
P 972-934-9100 F 972-934-9200

877-FEESMITH feesmith.com

1801 S MoPac Expressway Suite 320 Austin, Texas 78746
P 512-479-8400 F 512-479-8402

Jason A. Burris
972-980-3497 Direct Dial

jbarris@feesmith.com

March 17, 2016

Via Email @ ctavares@arnolditkin.com

Ces Tavares
Arnold & Itkin LLP
6009 Memorial Drive
Houston, TX 77007

Re: Cause No. 15C0976-202; *Kyla Sheppherd v. P&S Transportation, LLC and Dwight Douglas*; In the 202nd District Court, Bowie County, Texas
Our File No.: PNS.7321

Ces:

Please allow this letter to reflect our agreement regarding Plaintiff's discovery served on P&S Transportation, LLC ("P&S"). Plaintiff agrees to undeem the admissions served on July 28, 2015 to P&S and P&S agrees to respond to Plaintiff's first set of interrogatories, request for production, request for admission and request for disclosures on or before April 7, 2016.

Thank you for courtesy in this matter. If this letter accurately reflects our agreement, please sign in the appropriate space and return to me for filing with the Court pursuant to Rule 11 of the Texas Rules of Civil Procedure.

Very truly yours,

A handwritten signature in cursive script that reads "Jason A. Burris".
Jason A. Burris

AGREED:

A handwritten signature in cursive script that reads "Ces Tavares".
Ces Tavares

PNS.7321

CAUSE NO. 15C0976-202

KYLA SHEPPARD	§	IN THE DISTRICT COURT
	§	
v.	§	202nd JUDICIAL DISTRICT
	§	
P&S TRANSPORTATION, LLC and	§	
DWIGHT DOUGLAS	§	BOWIE COUNTY, TEXAS

DWIGHT DOUGLAS' MOTION TO QUASH PLAINTIFF'S SERVICE OF CITATION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Dwight Douglas who files this Motion to quash Plaintiff's Service of Citation, and for good cause would show the Court as follows:

I. BACKGROUND

On July 23, 2015, Plaintiff filed suit against P&S Transportation, LLC and Dwight Douglas.

On November 24, 2015, Plaintiff filed a motion for substitute service alleging that Mr. Douglas could be served at 144 North Shields Lane, Apt. E2, Natchez, Mississippi 39210 and that service had been attempted on August 3rd, 4th, 5th, and 8th of 2015.

On December 14, 2015, an order for substituted service on Mr. Douglass was signed by the court.

On March 16, 2016, Plaintiff filed an affidavit of service stating that a copy of the executed service of order, citation, petition, first set of interrogatories, request for production, request for admissions, and request for disclosures were firmly affixed to the door of 144 North Shields Lane, Apt. E2, Natchez, Mississippi 39210. The affidavit of service also states copies of the documents were sent certified mail on January 12, 2016 to 144 North Shields Lane, Apt. E2,

Natchez, Mississippi 39210, which certified mail parcel was returned unclaimed and unopened on February 22, 2016.

II. ARGUMENTS AND AUTHORITIES

A. Plaintiff Failed to Comply With the Court's Rule 106 Order

Texas law prefers personal service over substituted service because substituted service under TEX. R. CIV. P. 106(b) is in derogation of the constitutional mandates of due process, the requirements of the rule and the law connected therewith must be strictly construed and followed. See *Stankiewicz v. Oca*, 991 S.W.2d 308, 310 (Tex. App.--Fort Worth 1999, no pet.); *Redwood Group, L.L.C. v. Louiseau*, 113 S.W.3d 866, 868 (Tex. App.—Austin 2003, no pet.); *Kirkegaard v. First City National Bank*, 486 S.W.2d 893, 894 (Tex. Civ. App.—Beaumont 1972, no writ); *Franks v. Montandon*, 465 S.W.2d 800, 801 (Tex. Civ. App.—Austin 1971, no writ). Therefore, service under Rule 106(b) must be strictly construed in accordance with the terms of the Rule 106 order and the return must reflect the accomplishment of such service as precisely authorized by the order. *Smith v. Commercial Equip. Leasing Co.*, 678 S.W.2d 917, 918 (Tex. 1984) (per curiam); *Vespa v. Nat'l Health Ins. Co.*, 98 S.W.3d 749, 752 (Tex. App. Fort Worth—2003, no pet.) (invalidating service because return did not indicate service of all documents required by the order). The trial court's order is the sole basis of authority authorizing substituted service, any deviation from the trial court's order necessitates a reversal of the default judgment based on service. *Becker v. Russell*, 765 S.W. 2d. 753, 754 (Tex. App.--Austin 1989, no writ). *Broussard v. Davila*, 352 S.W.2d 753, 754 (Tex. Civ. App.—San Antonio 1961, no writ).

In *Vespa*, the rule 106 order required the citation, petition, and order to be placed on the front door of the appellant's residence. The return of service filed with the court stated that process server only placed the documents on the door. The court held that service was defective

front door as instructed by the court. *Vespa*, 98 S.W. 3d at 752; *Olympia Marble & Granite v. Mayes*, 17 S.W.3d 437, 444 (Tex. App.—Houston [1st Dist.] 2000, no pet.) (invalidating service for failure to strictly comply with Rule 106 order).

In our present case, the court granted Plaintiff's motion for substitute service of process with specific instructions that service would not be deemed perfected unless "a copy of the citation, Petition, and this order be mailed by BOTH certified mail, return receipt requested, AND regular mail" and "the return of service shall include a statement setting out the date of the mailing...and result of same by regular mail." The affidavit of service filed by Plaintiff on March 16, 2016 states "12-22-15 mailed copies to address provide" but, it fails to state the type of mail (certified or regular) and result of the regular mail, if in fact mailed in that manner.

As in *Vespa*, Plaintiff's failure to strictly comply with the court's order deems the service invalid and of no effect on Mr. Douglas.

B. Dwight Douglas is Not a Resident of the Address Provided by the Plaintiff to the Court in the Rule 106 Motion

Plaintiff's motion for substitute service states that Dwight Douglas can be served at 144 North Shields Lane, Apt. E2, Natchez, Mississippi 39210 without providing any evidence to support such a claim. Mr. Douglass is a resident of 19 Reba Cristen Road, Natchez, Mississippi 39120 and has resided at this address since 2012¹. Mr. Douglas has not been served with process in this matter pursuant to Rule 106. If the service of process is not quashed, Mr. Douglas will be harmed by the discovery attached to the petition as the deadline to respond expired several months ago. If Mr. Douglas' motion is not granted, each of Plaintiff's admissions are now deemed admitted and Mr. Douglas is prevented from objecting where appropriate to Plaintiff's interrogatories and requests for production. Mr. Douglas requests the court grant his motion to

¹ Affidavit of Dwight Douglass, attached hereto as Exhibit "A."

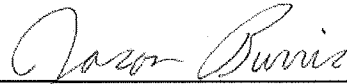
quash as he has not been served with citation in accordance with Rule 106.

III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Dwight Douglas respectfully requests Plaintiff's service of citation be quashed, requests additional time to file his answer and objections and responses to Plaintiff's discovery attached to the petition, and for any such further and other relief Mr. Douglas may show himself to be justly entitled.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P



MICHAEL P. SHARP

State Bar No. 00788857

msharp@feesmith.com

JASON A. BURRIS

State Bar No. 24049591

jburris@feesmith.com

Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

(972) 934-9100

(972) 934-9200 (Fax)

**ATTORNEYS FOR DEFENDANT
DWIGHT DOUGLAS**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, telecopied or hand delivered to all attorneys of record in this cause of action on the 6th day of April, 2016 as follows:

Via EfileTexas.gov

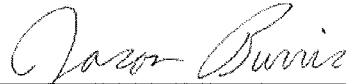
Kurt B. Arnold

Cesar "Ces" Tavares

Arnold & Itkin LLP

6009 Memorial Drive

Houston, TX 77007



MICHAEL P. SHARP

JASON A. BURRIS

EXHIBIT "A"

CAUSE NO. 15C0976-202

KYLA SHEPPARD

V.

P&S TRANSPORTATION, LLC and
DWIGHT DOUGLAS

§ IN THE DISTRICT COURT
§
§ 202nd JUDICIAL DISTRICT
§
§
§ BOWIE COUNTY, TEXAS

AFFIDAVIT OF DWIGHT DOUGLAS

STATE OF Alabama

COUNTY OF Shelby

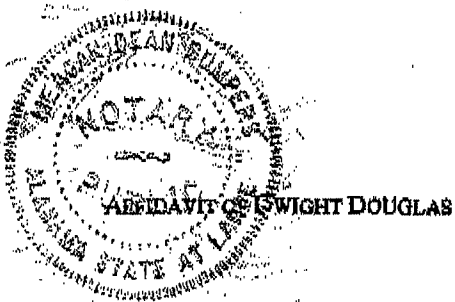
BEFORE ME, the undersigned Notary Public, in and for the County and State aforesaid, personally appeared Dwight Douglas, who, being by me first duly sworn, on oath states that he is at least 18 years of age, of sound mind, capable of making this affidavit and has never been convicted of a felony and has personal knowledge of the following facts and the following facts are true and correct.

1. "My name is Dwight Douglas. I have personal knowledge of the facts stated in this affidavit and the facts stated herein are true and correct."
2. "I live at 19 Reba Cristen Road, Natchez, MS 39120."
3. "I have lived at 19 Reba Cristen Road, Natchez, MS since 2012."

"FURTHER AFFIANT SAYETH NOT."

Dwight Douglas
DWIGHT DOUGLAS

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the 5 day of April, 2016, to certify which witness my hand and official seal.



Debra Buff
NOTARY PUBLIC IN AND FOR
THE STATE OF Alabama
My Commission Expires: 12-18-2019



Fee, Smith, Sharp & Vitullo LLP

Texas Trial Attorneys

Three Galleria Tower 13155 Noel Road Suite 1000 Dallas, Texas 75240
P 972-934-9100 F 972-934-9200

877-FEESMITH feesmith.com

1801 S MoPac Expressway Suite 320 Austin, Texas 78746
P 512-479-8400 F 512-479-8402

Lisa M. Hamm
972-980-3287 Direct Dial

lhamm@feesmith.com

April 8, 2016

NOTICE OF HEARING

Via EfileTexas.gov

Kurt B. Arnold

Ces Tavares

Arnold & Itkin LLP

6009 Memorial Drive

Houston, TX 77007

Re: Cause No. 15C0976-202; *Kyla Shepherd v. P&S Transportation, LLC and Dwight Douglas*; In the 202nd District Court, Bowie County, Texas
Our File No.: PNS.7321

Counsel:

Please be advised that *Dwight Douglas' Motion to Quash Plaintiff's Service of Citation* has been set for hearing on June 2, 2016 beginning at 9:00 a.m.

Best regards.

Very truly yours,

FEE, SMITH, SHARP & VITULLO, L.L.P.

A handwritten signature in cursive script, appearing to read "Lisa Hamm".

Lisa M. Hamm
Paralegal

cc: Clerk of the Court



Fee, Smith, Sharp & Vitullo LLP

Texas Trial Attorneys

Three Galleria Tower 13155 Noel Road Suite 1000 Dallas, Texas 75240
P 972-934-9100 F 972-934-9200

877-FEESMITH feesmith.com

1801 S MoPac Expressway Suite 320 Austin, Texas 78746
P 512-479-8400 F 512-479-8402

Jason A. Burris
972-980-3497 Direct Dial

jbarris@feesmith.com

April 6, 2016

Via Email @ ctavares@arnolditkin.com

Ces Tavares

Arnold & Itkin LLP

6009 Memorial Drive

Houston, TX 77007

Re: Cause No. 15C0976-202; *Kyla Sheppherd v. P&S Transportation, LLC and Dwight Douglas*; In the 202nd District Court, Bowie County, Texas
Our File No.: PNS.7321

Ces:

Please allow this letter to reflect our agreement regarding Plaintiff's discovery served on P&S Transportation, LLC ("P&S"). Plaintiff agrees to extend the deadline for P&S to respond to Plaintiff's first set of interrogatories, request for production, request for admissions and request for disclosures from April 7, 2016 to April 13, 2016.

Thank you for courtesy in this matter. If this letter accurately reflects our agreement, please sign in the appropriate space and return to me for filing with the Court pursuant to Rule 11 of the Texas Rules of Civil Procedure.

Very truly yours,

A handwritten signature in cursive script that reads "Jason Burris".

Jason A. Burris

AGREED:

A handwritten signature in cursive script that reads "Ces Tavares".

Ces Tavares



Fee, Smith, Sharp & Vitullo LLP

Texas Trial Attorneys

Three Galleria Tower 13155 Noel Road Suite 1000 Dallas, Texas 75240
P 972-934-9100 F 972-934-9200

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1801 S MoPac Expressway Suite 320 Austin, Texas 78746
P 512-479-8400 F 512-479-8402

Jason A. Burris
972-980-3497 Direct Dial

jbarris@feesmith.com

April 15, 2016

Via Email @ ctavares@arnolditkin.com

Ces Tavares

Arnold & Itkin LLP

6009 Memorial Drive

Houston, TX 77007

Re: Cause No. 15C0976-202; *Kyla Sheppherd v. P&S Transportation, LLC and Dwight Douglas*; In the 202nd District Court, Bowie County, Texas
Our File No.: PNS.7321

Ces:

Please allow this letter to reflect our agreement regarding Plaintiff's attempted service of citation on Dwight Douglas ("Defendant"). Defendant and Plaintiff agree to the following:

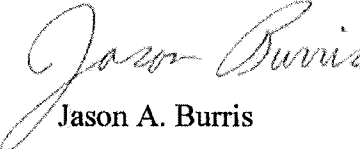
- Dwight Douglas is a resident of Mississippi;
- Dwight Douglas currently resides at 19 Reba Cristen Road, Natchez, Mississippi 39120;
- Dwight Douglas has not been personally served with citation in this matter pursuant to TEX. R. CIV. P. 106 or in accordance with the order granting substituted service;
- Dwight Douglas has not been served with Plaintiff's first set of interrogatories, request for production, request for admissions, and request for disclosures. Mr. Douglas has not waived his right to respond and object to Plaintiff's discovery.
- The law firm of Fee, Smith, Sharp, & Vitullo agrees to accept service of process on behalf of Mr. Douglas as of April 15, 2016 and will file his responsive pleadings in accordance with the Texas Rules of Civil Procedures.
- Dwight Douglas will respond to Plaintiff's first set of interrogatories, request for production, request for admissions and request for disclosures in accordance with TEX. R. CIV. P. 194.3(a), 196.2(a), 197.2(a), and 198.2(a) from the date of service as stated above (April 15, 2016).

April 15, 2016



Page 2

Thank you for courtesy in this matter. If this letter accurately reflects our agreement, please sign in the appropriate space and return to me for filing with the Court pursuant to Rule 11 of the Texas Rules of Civil Procedure.

Very truly yours,


Jason A. Burris

AGREED:


Ces Tavares 



Fee, Smith, Sharp & Vitullo LLP

Texas Trial Attorneys

877-FEESMITH feesmith.com

FILED FOR RECORD

2016 APR 19 PM 12:24

1801 E. Mopac Expressway, Suite 320 Austin, Texas 78746
P 512-479-8400 F 512-479-8402

DISTRICT CLERK BOWIE COUNTY

DEPUTY

msharp@feesmith.com

Three Galleria Tower 13155 Noel Road Suite 1000 Dallas, Texas 75240
P 972-934-9100 F 972-934-9200

Michael P. Sharp
972-980-3255 Direct Dial

April 18, 2016

Bowie County District Clerk
710 James Bowie Drive
New Boston, TX 75570

Re: Cause No. 15C0976-202; *Kyla Sheppard v. P&S Transportation, LLC and Dwight Douglas*; In the 202nd District Court, Bowie County, Texas
Our File No.: PNS.7321

Dear Clerk:

Please forward a certified copy of the court's file referenced above, including the Case Summary, to the undersigned as soon as possible. Enclosed is our check in the amount of \$40.00 in payment of your fees.

Also, enclosed is a UPS return envelope for your convenience.

Thank you for your courtesies in this matter.

Very truly yours,

Michael P. Sharp

MPS/pac
Enclosures

in Ups Express Mail 4/19/16
Evening

PNS.7321

CAUSE NO. 15C0976-202

KYLA SHEPPARD	§	IN THE DISTRICT COURT
	§	
v.	§	202nd JUDICIAL DISTRICT
	§	
P&S TRANSPORTATION, LLC and	§	
DWIGHT DOUGLAS	§	BOWIE COUNTY, TEXAS

DEFENDANT DWIGHT DOUGHLAS' ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **DWIGHT DOUGLAS**, a Defendant named in the above entitled and numbered cause (hereinafter, "Defendant Douglas"), and files this his Original Answer, and for same would respectfully show unto the Court as follows:

I.
SPECIAL EXCEPTIONS

Defendant Douglas specially excepts to Plaintiff's Original Petition as follows:

To Plaintiff's Original Petition in its entirety because Plaintiff has failed to specify the total amount for which she sues, and Defendant respectfully requests that Plaintiff do so pursuant to Rule 47 of the Texas Rules of Civil Procedure.

II.
GENERAL DENIAL

Defendant Douglas denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

III.
SECTION 18.091

Defendant Douglas invokes Section 18.091 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery for loss of earnings, loss of earning capacity, loss of contributions of a pecuniary value or loss of inheritance, the evidence to prove such loss must be

presented in the form of net loss after reduction of income tax payments or unpaid tax liability. Defendant Douglas further requests the court to instruct the jury as to whether any recovery for compensatory damages sought by Plaintiff is subject to federal or state income taxes.

IV.
SECTION 41.0105

Defendant Douglas invokes Section 41.0105 of the Texas Civil Practice and Remedies Code. To the extent Plaintiff seeks recovery of medical or healthcare expenses incurred, the evidence to prove such loss must be limited to the amount actually paid or incurred by or on behalf of Plaintiff. Defendant Douglas further requests the court to instruct the jury as to whether any recovery for medical or healthcare expenses sought by Plaintiff is limited to the amount actually paid or incurred by or on behalf of Plaintiff.

V.
PAID V. INCURRED

Defendant Douglas also asserts that he is entitled to a reduction in any award for medical expenses to the extent that same is not actually paid or incurred. Defendant Douglas is further entitled to a reduction as to any damage award for the full sum of any settlement as an offset to Plaintiff's recovery.

VI.
JURY DEMAND

In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant Douglas demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant **DWIGHT DOUGLAS** prays that the Plaintiff take nothing by this suit, that Defendant goes hence with his costs without delay, and for such other and further relief, both general and special, at law and in equity, to

which Defendant may show himself justly entitled.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P.



MICHAEL P. SHARP

State Bar No. 00788857

msharp@feesmith.com

JASON A. BURRIS

State Bar No. 24049591

jburris@feesmith.com

Three Galleria Tower

13155 Noel Road, Suite 1000

Dallas, Texas 75240

(972) 934-9100

(972) 934-9200 (Fax)

ATTORNEYS FOR DEFENDANT

DWIGHT DOUGLAS

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, telecopied or hand delivered to all attorneys of record in this cause of action on the 6th day of May, 2016 as follows:

Via E-FileTexas.gov

Kurt B. Arnold

Cesar "Ces" Tavares

Arnold & Itkin LLP

6009 Memorial Drive

Houston, TX 77007



JASON A. BURRIS



Fee, Smith, Sharp & Vitullo LLP

Texas Trial Attorneys

Three Galleria Tower 13155 Noel Road Suite 1000 Dallas, Texas 75240
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1801 S MoPac Expressway Suite 320 Austin, Texas 78746
P 512-479-8400 F 512-479-8402

Jason A. Burris
972-980-3497 Direct Dial

jburris@feesmith.com

June 6, 2016

Via Electronic Filing

Clerk

202nd District Court

100 N. State Line

Box 10

Texarkana, TX 75501

Re: Cause No. 15C0976-202; *Kyla Sheppard v. P&S Transportation, LLC and Dwight Douglas*; In the 202nd District Court, Bowie County, Texas
Our File No.: PNS.7321

Dear Clerk:

Please be advised that I will be on vacation on the following dates:

August 15, 2016 – August 17, 2016

I would appreciate it if you would note your calendar accordingly and not schedule any hearings, court appearances, items requiring a deadline, etc. during this time period.

Thank you for your consideration.

Very truly yours,

/s/ Jason A. Burris

Jason A. Burris
Senior Attorney

JAB/pac

cc: Ces Tavares
Kurt B. Arnold
Arnold & Itkin LLP
6009 Memorial Drive
Houston, TX 77007

Filed 8/1/2016 12:00:00 AM

Billy Fox

District Clerk

Bowie County, Texas

Joy Smith, Deputy

No. 15C0976-202

Kyla Sheppard

:

IN THE DISTRICT COURT

:

vs.

:

BOWIE COUNTY, TEXAS

:

P&S Transportation, LLC and Dwight Douglas

:

202ND JUDICIAL DISTRICT

CERTIFICATE

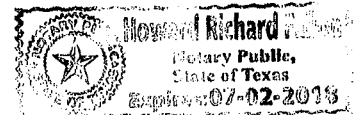
I, Howard R. Fallon, do hereby certify and swear that:

1. Rose Shontae Perry, Custodian of Records for Dream Pharmacy Memorial (Pharmacy) the witness, was sworn, and the written questions on Kyla Shanaye Sheppard served by the Attorney for the Defendant/P&S Transportation, LLC and Dwight Douglas in this matter were answered by him/her.
2. That the Exhibit A is a true and accurate record of his/her written testimony.
3. The amount of the charges for preparation of the completed deposition transcript and copies of the exhibits is \$ 137.00.
4. The deposition was submitted to the witness on 07/22/2016 for examination and signature and returned on that same date.
5. There were NO changes made to the deposition.
6. The original deposition together with copies of exhibits numbering 2 pages and 0 miscellaneous items () was delivered to the requesting attorney by mail requested on July 27, 2016.
7. A copy of this certificate was served upon all parties of this action pursuant to Texas Rules of Civil Procedure.
8. Amount of time used: deposition upon written questions.

I further certify that I am neither of counsel nor related to parties to the action, nor am I in any way interested in the results of said cause.

For the Attorney:

Michael P. Sharp, Esq.
 Fee, Smith, Sharp & Vitullo, L.L.P. by
 Records Deposition Service of Texas, Inc.
 email: hrfallon@rdstexas.com



HOWARD R. FALLON
 Notary Public of Texas
 My Commission Expires 07/02/18

No. 15C0976-202

Kyla Sheppard	:	IN THE DISTRICT COURT
	:	
vs.	:	BOWIE COUNTY, TEXAS
	:	
P&S Transportation, LLC and Dwight Douglas	:	202ND JUDICIAL DISTRICT

CERTIFICATE

I, Howard R. Fallon, do hereby certify and swear that:

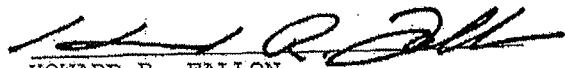
1. Stacey Hinchcliffe, Custodian of Records for CVS Pharmacy, Inc. (Pharmacy) the witness, was sworn, and the written questions on Kyla Shanaye Sheppard served by the Attorney for the Defendant/P&S Transportation, LLC and Dwight Douglas in this matter were answered by him/her.
2. That the Exhibit A is a true and accurate record of his/her written testimony.
3. The amount of the charges for preparation of the completed deposition transcript and copies of the exhibits is \$ 77.00.
4. The deposition was submitted to the witness on 07/07/016 for examination and signature and returned on that same date.
5. There were NO changes made to the deposition.
6. The original deposition together with copies of exhibits numbering 0 pages and 0 miscellaneous items () was delivered to the requesting attorney by mail requested on July 28, 2016.
7. A copy of this certificate was served upon all parties of this action pursuant to Texas Rules of Civil Procedure.
8. Amount of time used: deposition upon written questions.

I further certify that I am neither of counsel nor related to parties to the action, nor am I in any way interested in the results of said cause.

For the Attorney:

Michael P. Sharp, Esq.
 Fee, Smith, Sharp & Vitullo, L.L.P. by
 Records Deposition Service of Texas, Inc.
 email: hrfallon@rdstexas.com




 HOWARD R. FALLON
 Notary Public of Texas
 My Commission Expires 07/02/18

Filed 8/22/2016 12:00:00 AM

Billy Fox

District Clerk

Bowie County, Texas

Joy Smith, Deputy

No. 15C0976-202

Kyla Sheppard	:	IN THE DISTRICT COURT
	:	
	:	
vs.	:	BOWIE COUNTY, TEXAS
	:	
	:	
P&S Transportation, LLC and Dwight Douglas	:	202ND JUDICIAL DISTRICT

CERTIFICATE

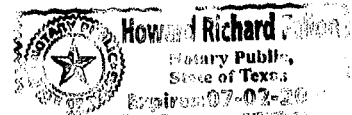
I, Howard R. Fallon, do hereby certify and swear that:

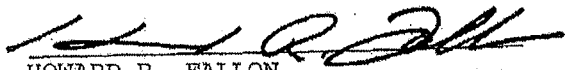
1. Diana Byrd, Custodian of Records for UAMS Medical Center Community Women's Clinic (Films) the witness, was sworn, and the written questions on Kyla Shanaye Sheppard served by the Attorney for the Defendant/P&S Transportation, LLC and Dwight Douglas in this matter were answered by him/her.
2. That the Exhibit A is a true and accurate record of his/her written testimony.
3. The amount of the charges for preparation of the completed deposition transcript and copies of the exhibits is \$ 87.50.
4. The deposition was submitted to the witness on 08/10/2016 for examination and signature and returned on that same date.
5. There were NO changes made to the deposition.
6. The original deposition together with copies of exhibits numbering 0 pages and 1 miscellaneous items (cd) was delivered to the requesting attorney by mail requested on August 16, 2016.
7. A copy of this certificate was served upon all parties of this action pursuant to Texas Rules of Civil Procedure.
8. Amount of time used: deposition upon written questions.

I further certify that I am neither of counsel nor related to parties to the action, nor am I in any way interested in the results of said cause.

For the Attorney:

Michael P. Sharp, Esq.
 Fee, Smith, Sharp & Vitullo, L.L.P. by
 Records Deposition Service of Texas, Inc.
 email: hrfallon@rdstexas.com




 HOWARD R. FALLON
 Notary Public of Texas
 My Commission Expires 07/02/18

Filed 8/25/2016 1:23:09 PM

Billy Fox
District Clerk
Bowie County, Texas
Kelley White, Deputy**Bombet, Cashio,
Darbonne & Associates****800-256-5333**Baton Rouge, LA • 11220 N. Harrell's Ferry Rd., Baton Rouge, LA 70816
New Orleans, LA - Bombet, Cashio & Assoc, P.O. Box 827, Metairie, LA 70004
Lafayette, LA - Bombet, Cashio & Assoc, 207 S. William Dr., Lafayette, LA 70506
Dallas, TX - Bombet, Cashio & Bombet, 1601 Monterrey, Garland, TX 75042**Affidavit of Process Server**DISTRICT COURT OF BOWIE COUNTY, TEXAS

(NAME OF COURT)

Cause No.: 15C0976-202I, KAREN O'QUINN, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.Service: I served / attempted to serve DWIGHT DOUGLAS
NAME OF PERSON/ENTITY BEING SERVEDwith (list documents) CITATION - NON RESIDENT / PLAINTIFFS ORIGINAL PETITIONby leaving with DWIGHT DOUGLAS SELF At
NAME RELATIONSHIP TO PERSON BEING SERVED☒ Residence 19 REBA CHRISTIAN RD NATCHEZ MS 39120
ADDRESS CITY / STATE☐ Business _____
ADDRESS CITY / STATEOn 8-6-16 at 6:55 PM
DATE TIMEThereafter copies of the documents were mailed by prepaid, first class mail on _____
DATEfrom _____
CITY STATE ZIP**Manner of Service:**

- ☒
- Personal:**
- By personally delivering copies to the person being served.
-
- ☐
- Substituted at Residence:**
- By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of _____ and explaining the general nature of the papers.
-
- ☐
- Substituted at Business:**
- By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.
-
- ☐
- Posting:**
- By posting copies in a conspicuous manner to the front door of the person/entity being served.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Canceled by Litigant ☐ Unable to Serve in Timely Fashion
☐ Address Does Not Exist ☐ Other _____Service Attempts: Service was attempted on: (1) _____ (2) _____
DATE TIME DATE TIME
(3) _____ (4) _____ (5) _____
DATE TIME DATE TIME DATE TIME

SUBSCRIBED AND SWORN to before me this

23rd day of August

2016

Stacey P. Rollins

SIGNATURE OF PROCESS SERVER



Filed 8/26/2016 10:05:17 AM

Billy Fox

District Clerk

Bowie County, Texas

Deana Stiles, Deputy

No. 15C0976-202

Kyla Sheppard

:

IN THE DISTRICT COURT

:

vs.

:

BOWIE COUNTY, TEXAS

:

P&S Transportation, LLC and Dwight Douglas

:

202ND JUDICIAL DISTRICT

CERTIFICATE

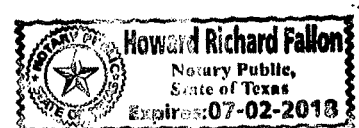
I, Howard R. Fallon, do hereby certify and swear that:

1. Jill Bosch, Custodian of Records for Walgreen's, Inc. (Pharmacy) the witness, was sworn, and the written questions on Kyla Shanaye Sheppard served by the Attorney for the Defendant/P&S Transportation, LLC and Dwight Douglas in this matter were answered by him/her.
2. That the Exhibit A is a true and accurate record of his/her written testimony.
3. The amount of the charges for preparation of the completed deposition transcript and copies of the exhibits is \$ 148.00.
4. The deposition was submitted to the witness on 08/15/2016 for examination and signature and returned on that same date.
5. There were NO changes made to the deposition.
6. The original deposition together with copies of exhibits numbering 12 pages and 0 miscellaneous items () was delivered to the requesting attorney by mail requested on August 23, 2016.
7. A copy of this certificate was served upon all parties of this action pursuant to Texas Rules of Civil Procedure.
8. Amount of time used: deposition upon written questions.

I further certify that I am neither of counsel nor related to parties to the action, nor am I in any way interested in the results of said cause.

For the Attorney:

Michael P. Sharp, Esq.
 Fee, Smith, Sharp & Vitullo, L.L.P. by
 Records Deposition Service of Texas, Inc.
 email: hrfallon@rdstexas.com



HOWARD R. FALLON
 Notary Public of Texas
 My Commission Expires 07/02/18

No. 15C0976-202

Kyla Sheppard

:

IN THE DISTRICT COURT

:

:

vs.

:

BOWIE COUNTY, TEXAS

:

:

P&S Transportation, LLC and Dwight Douglas

:

202ND JUDICIAL DISTRICT

CERTIFICATE

I, Howard R. Fallon, do hereby certify and swear that:

1. Erin Holloway, Custodian of Records for Baptist Health Medical Center (Films) the witness, was sworn, and the written questions on Kyla Shanaye Sheppard served by the Attorney for the Defendant/P&S Transportation, LLC and Dwight Douglas in this matter were answered by him/her.
2. That the Exhibit A is a true and accurate record of his/her written testimony.
3. The amount of the charges for preparation of the completed deposition transcript and copies of the exhibits is \$ 126.00.
4. The deposition was submitted to the witness on 08/17/2016 for examination and signature and returned on that same date.
5. There were NO changes made to the deposition.
6. The original deposition together with copies of exhibits numbering 0 pages and 1 miscellaneous items (cd) was delivered to the requesting attorney by mail requested on August 29, 2016.
7. A copy of this certificate was served upon all parties of this action pursuant to Texas Rules of Civil Procedure.
8. Amount of time used: deposition upon written questions.

I further certify that I am neither of counsel nor related to parties to the action, nor am I in any way interested in the results of said cause.

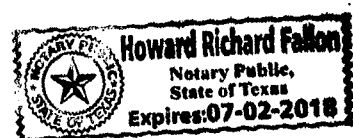
For the Attorney:

Michael P. Sharp, Esq.

Fee, Smith, Sharp & Vitullo, L.L.P. by

Records Deposition Service of Texas, Inc.

email: hrfallon@rdstexas.com



HOWARD R. FALLON

Notary Public of Texas

My Commission Expires 07/02/18